

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHGV #1078/01 3321527  
ZNY SSSSS ZZH  
O 281527Z NOV 09  
FM USMISSION GENEVA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0377  
RUEAIIA/CIA WASHINGTON DC IMMEDIATE  
RUEKDIA/DIA WASHINGTON DC IMMEDIATE  
RUEKJCS/CJCS WASHINGTON DC IMMEDIATE  
RUEKJCS/VCJCS WASHINGTON DC IMMEDIATE  
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE  
RHEHNSC/NATIONAL SECURITY COUNCIL WASHINGTON DC IMMEDIATE  
RUEKJCS/SECDEF WASHINGTON DC IMMEDIATE  
RUEHNO/USMISSION USNATO IMMEDIATE 5539  
RHMFISS/DEPT OF ENERGY WASHINGTON DC IMMEDIATE  
RHMFISS/DTRA ALEX WASHINGTON DC IMMEDIATE  
RUESDT/DTRA-OSSES DARMSTADT GE IMMEDIATE  
RUENAAA/CNO WASHINGTON DC IMMEDIATE  
RHMFISS/DIRSSP WASHINGTON DC IMMEDIATE  
INFO RUEHTA/AMEMBASSY ASTANA PRIORITY 2716  
RUEHKV/AMEMBASSY KYIV PRIORITY 1726  
RUEHMO/AMEMBASSY MOSCOW PRIORITY 6933

S E C R E T GENEVA 001078

SIPDIS

DEPT FOR T, VC AND EUR/PRA  
DOE FOR NNSA/NA-24  
CIA FOR WINPAC  
JCS FOR J5/DDGSA  
SECDEF FOR OSD(P)/STRATCAP  
NAVY FOR CNO-N5JA AND DIRSSP  
AIRFORCE FOR HQ USAF/ASX AND ASXP  
DTRA FOR OP-OS OP-OSA AND DIRECTOR  
NSC FOR LOOK  
DIA FOR LEA

E.O. 12958: DECL: 11/28/2019  
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)  
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA  
(SFO-GVA-VII): (U) MEETING OF TREATY TEXT WORKING GROUP,  
NOVEMBER 18, 2009

Classified By: A/S Rose E. Gottemoeller, United States  
START Negotiator. Reasons: 1.4(b) and (d).

11. (U) This is SFO-GVA-VII-034.

12. (U) Meeting Date: November 18, 2009  
Time: 10:00 A.M - 12:30 P.M.  
Place: Russian Mission, Geneva

-----  
SUMMARY  
-----

13. (S) The fifth Treaty Text and Definitions Working Group (TTDWG) meeting of the session was held at the U.S. Mission on November 18, 2009. The working group discussed U.S.-proposed Joint Draft Text (JDT) of Article XIII on the Bilateral Consultative Commission (BCC); Article XII, Cooperative Measures; Article I, Treaty introduction; and the BCC part of the Protocol. After the U.S. side agreed to remove the section of that part addressing convening a special session of the BCC, both delegations agreed that Article XIII and the BCC protocol were ready to be conformed. However, they still disagreed on whether the Parties should provide the names of their Commissioner and Deputy Commissioner to the BCC within 30 days following treaty signature or following entry into force (EIF).

14. (S) The U.S. Delegation presented its position regarding the need and usefulness of the U.S.-proposed article on cooperative measures. The Russian Delegation disputed the U.S. rationale arguing that all strategic offensive arms

(SOA) should be treated in the same manner with regard to verification and cooperative measures. The Russians recommended deferring further discussion on this until they had reviewed the forthcoming U.S. package on verification measures for mobile ICBMs.

¶5. (S) The U.S. Delegation presented a draft third paragraph in Article I that incorporated a reference to the treaty terms and definitions, as requested by the Russian Delegation. The draft language was accepted. This article, along with Article XIV on patterns of cooperation and non-transfer of SOA, were also sent to the Conforming Group.

¶6. (S) Subject Summary: Article XIII: Bilateral Consultative Commission; The BCC Part of the Protocol; Remove the Special Session; Cooperative Measures; Should All SOA Be Treated the Same?; and, Article I: Introduction.

-----  
ARTICLE XIII: BILATERAL  
CONSULTATIVE COMMISSION  
-----

¶7. (S) Koshelev opened the meeting by asking whether there were any articles that the two sides could agree upon during this meeting. Ries suggested Article XIII, which addressed the BCC. Koshelev agreed and noted that there were still several brackets in subparagraph (c). Regarding the text addressing the notification of a new kind of SOA, Koshelev noted that the issue could not be resolved in this forum. However the phrase "resolve questions related to the

application of (relevant)((1)) (the)((2)) provisions of this Treaty to a new kind of strategic offensive arm..." could be discussed. Ries stated that the word "relevant" was included because if the Parties applied the provisions of the treaty, by definition those provisions should be relevant. After some discussions within the Russian Delegation, Koshelev changed the subject. He proposed inserting the word "shall" in the article's opening sentence to read "...the Parties hereby shall establish the Bilateral Consultative Commission..." Koshelev reasoned that this made the phrase more "treaty like." Mr. Dean observed that this would not change the meaning of the language nor of the article. Koshelev responded that the Russian version of the treaty would include the word and the U.S. Delegation could decide how the English version would read. Dean stated that "hereby shall establish" could be read to indicate that future action was required. The current U.S.-proposed text provided that once EIF of the treaty, the BCC would stand up automatically.

¶8. (S) Returning to the discussion of "relevant" in subparagraph (c), Koshelev asked for the U.S. rationale. Ries stated the BCC would decide what treaty provisions were relevant to the new kind of SOA. Koshelev said the issue remained unresolved and Ries agreed. After some further discussions the delegations agreed that the other brackets in this article were minor language issues that could be resolved in the conforming process. Koshelev suggested this article be sent to the Conforming Group with the brackets included. He stated that the Notifications Group should resolve whether the notification reference should be retained in this article. Ries stated that the group would conform all the language in brackets, including the proposals of both sides. Once the issues were resolved, the appropriate bracketed text would be deleted. Ries noted that the Definitions Subgroup was already in the practice of submitting text with brackets to the Conforming Group. As lead for the Russian Delegation in the Definitions Subgroup, Admiral Kuznetsov clarified that bracketed text was only submitted when the issues were non-substantive. Ries suggested submitting just subparagraphs (a) and (b) for conforming. However, there was disagreement within the Russian Delegation so Koshelev suggested that Mr. Siemon and Colonel Ryzhkov resolve the notification question and that nothing would be conformed until everything was conformed.

-----  
THE BCC PART OF THE PROTOCOL  
-----

¶9. (S) Koshelev stated the Russian Delegation had carefully reviewed this document. He commented that the differences the sides had over structure could be dealt with later, as previously agreed. Koshelev continued that the two sides had differences in paragraph three, "Convening a Special Session of the Commission." Koshelev reiterated that the Russian rationale for deleting that portion was that, since the special session was never used during the 15 years of START implementation, it was not needed in this treaty. Koshelev also pointed out that if such a "special" issue arose it could be resolved at an ordinary BCC session.

¶10. (S) Ries stated that the timing for providing the names of the initial BCC Commissioner and Deputy Commissioner

should be reviewed. Koshelev noted Russia advocated for notification not later than 30 days after EIF and the United States advocated for not later than 30 days after treaty signature. Ries stated that there were on-going discussions involving the interim period between the expiration of START and EIF of the new treaty. The United States believed it would be useful to have the BCC operating to discuss questions that may arise during this period. Additionally, if the two sides reached an agreement on the bridging mechanism for the period between expiration of START and EIF of the START Follow-on treaty, it would be useful to have the BCC established to support this as well. Ries noted there was precedent for such an arrangement in other arms control treaties.

¶11. (S) Koshelev responded by noting that the Heads of Delegation (HODs) had discussed provisional application. He said that the main issue was gaining agreement as to which provisions of the treaty would be applied "provisionally." The same issue was a problem regarding BCC activities. Koshelev noted that the sides had discussed that the BCC would promote the objectives and provisions of the treaty. This meant all the provisions. Koshelev argued that, in the interim period, the BCC authority would be only over certain provisions of the treaty. It would not cover all the provisions until the treaty was fully ratified. This meant that the BCC itself would be functioning in some type of provisional regime. Koshelev added that the most difficult questions were verification measures. However, the HODs had recognized that the legal status of the inspectors themselves in a provisional status would be difficult to agree upon. Koshelev acknowledged that the United States desired the BCC to achieve functionality as soon as possible, but he cautioned that there had to be careful consideration given to the Commission's function in a provisional status.

¶12. (S) Dean stated that the U.S. side understood the Russian concerns, but believed they could be addressed. He offered that clear language could be added which identified those parts of the treaty that would be provisionally applied and affirmed that the BCC could resolve issues. Koshelev asked what allowed this. Would it be a special statement? Dean replied there were several options. There could be a section in the BCC Protocol devoted solely to provisional application which would state what parts of the treaty and protocol would apply. Another option would be available if there was an omnibus for inspections, notifications, and the BCC. In this case, there could also be language addressing the Russian concerns regarding the scope of a provisional BCC. Koshelev agreed these were good suggestions and that both sides should have their legal advisors consider them. He stated that all such decisions should be part of a comprehensive package.

¶13. (S) Moving to Section I of the BCC part of the Protocol, on composition of the BCC, Dean stated that the question of signature versus EIF did not depend upon the decision of provisional application. Dean explained that this paragraph

could be applied upon treaty signature because it spoke only to the timing of when a Party provided to the other the names of its Commissioners. Mr. Taylor noted that if EIF was agreed upon as the time for notifying these names, it would create a prohibition from doing so during the interim period

because this period would occur before EIF. Koshelev concurred with Taylor's analysis but noted that, for a representative of the Russian Federation to legally exist, it was necessary to achieve EIF to provide the force of Russian law. Ries commented there was precedent for naming the BCC Commissioners and Deputy Commissioners prior to EIF. Koshelev stated that this issue could not be worked out by the working group and suggested that it be forwarded to the lawyers to resolve.

¶14. (S) Returning to the issue of the special session of the BCC, Koshelev asked whether the United States insisted on keeping this provision. Ries replied that she had not heard a persuasive argument not to. Ries continued that the United States recognized that it had not been used in START, but that it was an important tool that should be retained. Kuznetsov noted that special sessions were occasionally necessary in some international treaties, such as multilateral arms control treaties. Kuznetsov stated that the last time a special session was convened was in the Conventional Armed Forces of Europe (CFE) Treaty. (Begin comment: In 2007, the Russian Federation called for an extraordinary session of the CFE commission to announce its "suspension" of CFE implementation. End comment.) There were many issues in CFE that could not be resolved in ordinary sessions. Kuznetsov noted that the START Follow-on treaty was bilateral and he pointed out that there existed several options for communicating important concerns. Kuznetsov remarked that, with the numerous forums and venues available, it was much easier for two parties to resolve their issues than it was for several parties within a multilateral treaty.

¶15. (S) Kuznetsov noted that START was created during the time of the Cold War. The sides had been antagonistic toward each other. However, since then, the relationship between Russia and the United States had greatly improved. Kuznetsov pointed out that even in the difficult times of START, there had been no need for special sessions. Under the new treaty, the sides would be able to convene any number of meetings and, therefore, a provision for a special session was not necessary. Ries agreed that times had changed and there were much better communications. Yet the United States still believed that there was no reason not to make this mechanism available. She noted that it allowed for a discussion of misunderstandings and questions in an expeditious manner. She concluded that it was a constructive contribution to have this option available.

-----  
REMOVE THE SPECIAL SESSION  
-----

¶16. (S) Following an intermission, Ries stated that there had been several discussions on the special session. The U.S. side has listened carefully to the Russian arguments and the exchanges have been very positive. Ries agreed that relations between the two nations had markedly improved, communication networks had vastly expanded and the BCC Protocol itself was more flexible. For these reasons, Ries proposed to remove Section III of BCC Protocol which addressed the special session of the Commission. Ries recommended that at this point the protocol should be sent to

conforming. Koshelev agreed and promised to provide the Russian language version.

-----  
COOPERATIVE MEASURES  
-----

¶17. (S) Ries steered the discussion to Article XII in the U.S.-proposed JDT, on cooperative measures, and made the following remarks.

Begin points:

- We can agree that our overall objectives in concluding a Treaty are to increase confidence, predictability and overall stability between our two nations.
- A component of the Treaty is that it provides each side specific knowledge of the other's strategic forces. This mutual knowledge contributes to stability between the two nations.
- The subject matter of this article, cooperative measures, suggests exactly that: cooperation.
- These measures, in addition to contributing to the overall strategic picture, enhance the effectiveness of national technical means (NTM). It would be a step backwards from START if the two sides went to depending on NTM alone.
- As they contribute to improving confidence, openness, and predictability, cooperative measures make an overall positive contribution.
- When the Presidents signed the Joint Understanding on July 6, they agreed that the new treaty would contain provisions for confidence-building and transparency measures. The U.S.-proposed article does exactly that.
- Cooperative measures are: much less intrusive than on-site inspections, cost effective, have significantly less impact on base operations, and last only six hours.
- Cooperative measures are useful for decreasing strategic ambiguity as they provide an improved picture of the force structure of both sides, thus easing force planning.
- Cooperative measures facilitate U.S. and Russian information on deployed and non-deployed SOA. Therefore, cooperative measures allow both sides a better understanding of the total strategic forces that could be generated.
- The U.S.-proposed article addresses mobile ICBMs as well as heavy bombers. Both sides keep a large portion of these types of SOA within shelters, such as hangars and fixed structures. Cooperative measures allow the viewing of such SOA in a way that is not possible to NTM.
- Finally, to further ease the burden and disruptions on base operations, the number of cooperative measures in the U.S. proposal has been decreased to five per year from seven per year under START. Likewise, there would be a maximum of one per year at any given base vice two per year under START.
- In conclusion, cooperative measures have provided great benefit to both sides during the 15 years of START. The U.S. views this as a persuasive reason to continue them.

End points.

¶18. (S) Koshelev remarked that it was difficult not to agree with these statements. He concurred that such measures allowed for an increase in stability and predictability. Koshelev noted that cooperative measures and transparency for mobile ICBMs were difficult issues but that, in principle, Russia was not against openness and transparency. Koshelev declared that cooperative measures should be applied to all SOA, whereas the U.S.-proposed Article XII addressed only mobile launchers of ICBMs and heavy bombers. That was disproportionate treatment. Mobile ICBM systems were designed to increase their invulnerability which was why issues related to controlling them were very sensitive.



Koshelev noted that the United States argued that it required knowledge on the low-visibility Russian mobile ICBMs, although it would not disclose such information to Russia on U.S. strategic submarines. Koshelev acknowledged the importance of cooperative measures, but proposed delaying decisions until the mobile ICBM issues were resolved. He noted that the United States was preparing a package solution addressing mobile ICBMs and the Russian side preferred reviewing it prior to addressing cooperative measures.

¶19. (S) Ries responded that the United States was aware of the Russian view of the application of measures to other SOA, beyond just mobile ICBMs. A principle of the Joint Understanding was each Party's right to determine the composition of its own strategic forces. Ries noted each side had three categories of SOA, but that the two nations had chosen to balance them in different ways resulting in strategic force structures that were not symmetrical. Ries pointed out that cooperative measures were not for verification but for increasing confidence and transparency. The United States had chosen to continue applying Article XII to mobile ICBMs and heavy bombers because they were stored in shelters; it made sense to bring these items into the open for increased transparency.

¶20. (S) Koshelev said it was more expensive to display mobile ICBMs than to support an inspection and that displaying them required significant maintenance support. He declared that the comprehensive treatment of SOA was being infringed upon because this article singled out only two types of SOA. Additionally, displaying mobile ICBMs in the open reduced the readiness of Russian strategic forces. Koshelev concluded by emphasizing that complying with cooperative measures was very expensive.

-----  
SHOULD ALL SOA BE  
TREATED THE SAME?  
-----

¶21. (S) Koshelev repeated the assertion that measures should be applied universally to all SOA. For example, if the United States proposed unique identifiers (UIDs) for mobile ICBMs, UIDs should apply to all SOA including submarines. He

summarized by stating that there were no "less dangerous" SOA, rather they were all equally dangerous; which was why a universal approach to verification and cooperative measures was needed.

¶22. (S) Taylor stated that the purpose of cooperative measures was to assist both sides in the verification process. Referring to Article IX of the U.S.-proposed JDT on NTM, Taylor noted that the Russian-proposed text stated that the other Party shall not interfere with NTM nor use concealment to impede verification. The text also stated that the obligation not to use concealment measures shall not apply to cover or concealment practices at ICBM bases, deployment areas, or to the use of environmental shelters for SOA, such as fixed shelters for mobile ICBM launchers. Taylor stated that in crafting this article along with Article XII on cooperative measures, the Parties addressed concerns regarding mobile ICBM shelters and hangars for heavy bombers. Taylor continued that it was not difficult for NTM to monitor silo ICBM launchers or SSBNs in port. However, it was difficult to monitor heavy bombers if they were inside hangars and likewise mobile ICBMs in their fixed structures. Taylor stated that, in order to be able to assist the Parties with verification efforts, those items should be displayed in the open. He added that these measures did not require mobile launchers to be recalled from their deployment area (DA) just as they did not require SSBNs to surface at sea. Taylor emphasized that cooperative measures were not a mobile ICBM issue, rather they were an NTM issue, which enabled both Parties to achieve effective treaty verification. Taylor concluded by noting that in START, both Parties had effectively used cooperative measures and he urged the

Russian Delegation to take this into account.

¶23. (S) Koshelev replied that Article XII had three paragraphs dedicated to cooperative measures, two of which addressed mobile ICBMs. He alluded that perhaps the United States had made a miscalculation in its strategic decision to emphasize SSBNs, unlike Russia which had deployed mobile ICBM systems. Koshelev stated that the U.S. logic seemed to conclude that the 180 mobile launchers the Russians had in the field were more dangerous than the thousands of SLBM warheads the United States had at sea. Koshelev concluded by stating that Russia would consider the U.S. proposal. Ries replied that the United States viewed cooperative measures both as a complement to NTM and a significant contributor to strategic stability. It was in this context that the two SOA types were included when Article XII was drafted. Koshelev reiterated that when the mobile ICBM issues were resolved, this question could be reconsidered, but that special verification measures for mobile missile launchers were not part of the Russian approach. Ries replied that the mobile launchers had special characteristics that warranted special consideration.

-----  
Article I: INTRODUCTION  
-----

¶24. (S) Ries stated that the Russian Delegation had asked the U.S. Delegation to consider incorporating a reference to the treaty's terms and definitions into this article. Ries continued that the United States had carefully considered

this request and proposed the following as paragraph 3:

Begin text.

Definitions of terms used in this Treaty and its Protocol are provided in Part I for the Protocol.

End text.

¶25. (S) Koshelev stated that his first impression was that this was acceptable. Kuznetsov concurred with Koshelev's assessment and joked that this would be his main contribution to the treaty. Ries recommended that this article go to the Conforming Group. Koshelev agreed, noting the bracketed paragraph 2 (on missile defense) was being worked out by the HODs. Ries also proposed sending Article XIV (patterns of cooperation and non-transfer of SOA) to the Conforming Group and Koshelev concurred with this as well.

¶26. (S) Ries concluded the session by summarizing that both delegations had concurred with sending the BCC Protocol, Articles I, XIII (BCC) and XIV to the Conforming Group. Koshelev agreed.

¶27. (U) Documents exchanged.

- U.S.:

-- U.S.-proposed JDT of Article I (in English and unofficial Russian), dated November, 18, 2009.

¶28. (U) Participants:

U.S.

Amb Ries  
Lt. Col. Comeau  
Mr. Connell  
Mr. Dean  
Mr. Dunn  
Dr. Fraley  
Mr. Sims  
Mr. Taylor  
Mrs. Zdravecky  
Mr. Shkeyrov (Int)

RUSSIA

Mr. Koshelev  
Ms. Fuzhenkova  
Mr. Kamenskiy  
Mr. Luchaninov  
Adm (Ret) Kuznetsov  
Ms. Melikbekian  
Ms. Evarovskaya (Int)

129. (U) Gottemoeller sends.  
GRIFFITHS